

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

EMERGENCY RESTORATION &  
CLEANING, INC,

Plaintiff,

v.

EMERGENCY RESTORATION CO.,  
INC. ET AL,

Defendant.

No. 2:22-cv-1981-CKD

ORDER

Plaintiff filed the instant action on November 2, 2022, paid the filing fee, and was given a summons and initial scheduling order by the Clerk of Court.<sup>1</sup> (See ECF Nos. 1, 2, 3.) Under the scheduling order and Rule 4 of the Federal Rules of Civil Procedure, plaintiff was required to serve defendants within 90 days, and by 10 days after that, “file with the Clerk a certificate reflecting such service.” (ECF No. 3 at ¶ 2.) Fed. R. Civ. P. 4(m).

Because plaintiff failed to file a certificate of service within the required period, the court ordered that plaintiff submit a statement indicating the status of service or otherwise show good cause reasons why defendants have not been served pursuant to Federal Rule of Civil Procedure 4. (ECF No. 4.) Plaintiff filed a written response on March 9, 2023, indicating that the parties

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<sup>1</sup> This case was directly assigned to the undersigned pursuant to Appendix A, subsection m, of the Local Rules.

are in discussions toward a settlement agreement which they hope to achieve by April 1, 2023. (ECF No. 5.) Plaintiff requested an extension of time to serve until April 1, 2023 on that basis. (Id.)

Upon finding of good cause, the court grants plaintiff's request for extension of time to serve.

**ORDER**

Accordingly, IT IS HEREBY ORDERED that:

1. Within twenty-one days of this order, plaintiff shall serve defendant in accordance with Federal Rule of Civil Procedure 4;
2. Within ten days of serving defendant, plaintiff shall file with the clerk's office notice reflecting service in accordance with pursuant to Federal Rule of Civil Procedure 4.
3. If the parties reach a settlement, they shall promptly notify the court pursuant to Local Rule 160.

Dated: March 15, 2023

  
CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

21, emerg.1981